



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

July 29, 2015

CERTIFIED RETURN RECEIPT
7012 3460 0002 9559 6571

Castle Valley Mining, LLC
Jaren Jorgensen
P. O. Box 475
Huntington, Utah 84528

Subject: Proposed Assessments for State Violation No. N 19151, Task ID #4938; No. N 19152, Task ID #4939; No. N 19153, Task ID #4940; No. N 19154, Task ID #4941; Bear Canyon Mine, C/015/0025

Dear Mr. Jorgensen:

The undersigned has been appointed by the Division of Oil, Gas & Mining as the Assessment Officer for assessing penalties under R645-401.

Enclosed are the proposed civil penalty assessments for the above referenced violations. The violations were issued by Division Inspector, Joe Helfrich, on June 18, 2015. Rule R645-401-600 et. seq. has been utilized to formulate the proposed penalty(ies). By these rules, any written information which was submitted by you or your agent within fifteen (15) days of receipt of these Notices of Violation has been considered in determining the facts surrounding the violations and the amount of penalty(ies).

Under R645-401-700, there are two informal appeal options available to you:

1. If you wish to informally appeal the fact of any of the referenced violations, you should file a written request for an Informal Conference within thirty (30) days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty(ies).



2. If you wish to review the proposed penalty assessment, you should file a written request for an Assessment Conference within thirty (30) days of receipt of this letter. If you are also requesting a review of the fact of violation, as noted in paragraph 1, the Assessment Conference will be scheduled immediately following that review.

If a timely request for review is not made, the fact of violation will stand, the proposed penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the proposed assessment. Please remit payment to the Division, mail c/o Suzanne Steab.

Sincerely,



Daron R. Haddock
Assessment Officer

Enclosure

cc: OSM Compliance Report
Suzanne Steab, DOGM

O:\015025.BCN\WG4938 N19151\PROPOSED ASSESSMENT.DOC

Water Pollution/ Offsite contributions of additional suspended solids.

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

<u>PROBABILITY</u>	<u>RANGE</u>
None	0
Unlikely	1-9
Likely	10-19
Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 4

PROVIDE AN EXPLANATION OF POINTS:

*****According to the information in the inspector statement, the sediment pond inlets had eroded which could lead to the additional sediment load to the pond. The inspector indicated that the event had not occurred and was unlikely to occur.**

3. What is the extent of actual or potential damage? RANGE 0-25

In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 5

PROVIDE AN EXPLANATION OF POINTS:

***** According to the information in the inspector statement, no damage occurred as a result of the violation and the potential for damage was unlikely. Thus points are assigned in the lower end of the range.**

B. HINDRANCE VIOLATION (Max 25 pts.)

1. Is this a POTENTIAL or ACTUAL hindrance to enforcement? Actual
RANGE 0-25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS NA

PROVIDE AN EXPLANATION OF POINTS:

TOTAL SERIOUSNESS POINTS (A or B) 9

III. NEGLIGENCE (Max 30 pts.)

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO--NO NEGLIGENCE; or, was this a failure of a permittee to prevent the occurrence of a violation due to indifference lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO--GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence	0
Negligence	1-15
Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE --- Negligence

ASSIGN NEGLIGENCE POINTS 7

PROVIDE AN EXPLANATION OF POINTS:

****** According to the information in the inspector statement, the violation was the result of not knowing about or understanding the sediment pond regulations. Points are assigned in the lower end of the ordinary negligence range.***

IV. GOOD FAITH (Max 20 pts.)

(Either A or B)

(Does not apply to violations requiring no abatement measures)

- A. Did the operator have onsite, the resources necessary to achieve compliance of the violated standard within the permit area?

IF SO--EASY ABATEMENT

Easy Abatement Situation

X	Immediate Compliance	-11 to -20*
	(Immediately following the issuance of the NOV)	
X	Rapid Compliance	-1 to -10
	(Permittee used diligence to abate the violation)	
X	Normal Compliance	0
	(Operator complied within the abatement period required)	
	(Operator complied with condition and/or terms of approved Mining and Reclamation Plan)	

*Assign in upper of lower half of range depending on abatement occurring the 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance, or does the situation require the submission of plans prior to physical activity to achieve compliance?

IF SO--DIFFICULT ABATEMENT

Difficult Abatement Situation

- | | | |
|---|---|-------------|
| X | Rapid Compliance | -11 to -20* |
| | (Permittee used diligence to abate the violation) | |
| X | Normal Compliance | -1 to -10* |
| | (Operator complied within the abatement period required) | |
| X | Extended Compliance | 0 |
| | (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard of the plan submitted for abatement was incomplete) | |
| | (Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan) | |

EASY OR DIFFICULT ABATEMENT? _____

ASSIGN GOOD FAITH POINTS _____

PROVIDE AN EXPLANATION OF POINTS:

******Good faith will be evaluated upon termination of the violation***

V. ASSESSMENT SUMMARY

NOTICE OF VIOLATION # **N 19151**

I.	TOTAL HISTORY POINTS	_____
II.	TOTAL SERIOUSNESS POINTS	<u>9</u>
III.	TOTAL NEGLIGENCE POINTS	<u>7</u>
IV.	TOTAL GOOD FAITH POINTS	_____ to be determined later.
	TOTAL ASSESSED POINTS	<u>16</u>
TOTAL ASSESSED FINE		<u>\$ 352</u>



Citation for Non-Compliance Utah Coal Regulatory Program

1594 West North Temple, Salt Lake City, UT 84114

Phone: (801) 538-5340 Fax: (801) 359-3940

Citation #: 19151

Permit Number: C0150025

Date Issued: 06/18/2015



NOTICE OF VIOLATION



CESSATION ORDER (CO)



FAILURE TO ABATE CO

Permittee Name: CASTLE VALLEY MINING LLC

Inspector Number and ID: 1 JHELFRIC

Mine Name: BEAR CANYON MINE

Date and Time of Inspection: 05/13/2015

Certified Return Receipt Number: 7012346000295596472

Date and Time of Service: 06/18/2015

Nature of condition, practice, or violation:

The permittee has not maintained the inlets to sediment ponds A, B, C, and D in accordance with Appendix 7F of the approved mining and reclamation plan (MRP).

Provisions of Act, regulations, or permit violated:

R645-301-742.123

**This order requires Cessation of ALL mining activities. (Check box if appropriate.)**

Condition, practice, or violation is creating an imminent danger to health or safety of the public.



Permittee is/has been conducting mining activities without a Permit.



Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

Permittee has failed to abate Violation(s) included in
☐ Notice of Violation or ☐ Cessation Order within time for abatement originally fixed or subsequently extended.**This order requires Cessation of PORTION(S) of mining activities.**Mining activities to be ceased immediately: ☐ Yes ☒ No

Abatement Times (if applicable).

30 days, no later than 5:00 Pm Friday

July 17th for the submittal of plans for

ponds B & D and repair of inlets for ponds

A & C.

Action(s) required: ☒ Yes ☐ No

Sediment Pond A: Clean and reestablish the rip-rapped inlet channel the has been eroded and place the waste material on the appropriate coal stockpile pad.

Sediment Pond B: Refer to # 4b of the attached DOGM inspection report.

Sediment pond C: Clean and reestablish the rip-rapped inlet channel the has been eroded. Repair the erosion on the outslope of the leachfield upstream of pond C.

Sediment Pond D: Refer to # 4b of the attached DOGM inspection report.

Jaren Jorgensen

(Print) Permittee Representative

JOE HELFRICH

(Print) DOGM Representative

Permittee Representative's Signature - Date

DOGM Representative's Signature - Date

SEE REVERSE SIDE Of This Form For Instructions And Additional Information

Environmental harm.

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

<u>PROBABILITY</u>	<u>RANGE</u>
None	0
Unlikely	1-9
Likely	10-19
Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 2

PROVIDE AN EXPLANATION OF POINTS:

******According to the information in the inspector statement, non-coal waste had accumulated within the boundary of the permit area and in ponds, stream buffer zones and undisturbed drainages. The inspector indicated that the event had not occurred and was unlikely to occur.***

3. What is the extent of actual or potential damage? RANGE 0-25

In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 3

PROVIDE AN EXPLANATION OF POINTS:

****** According to the information in the inspector statement, no damage occurred as a result of the violation and the potential for damage was unlikely. Thus points are assigned in the lower end of the range.***

B. HINDRANCE VIOLATION (Max 25 pts.)

1. Is this a POTENTIAL or ACTUAL hindrance to enforcement? Actual
RANGE 0-25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS NA

PROVIDE AN EXPLANATION OF POINTS:

TOTAL SERIOUSNESS POINTS (A or B) 5

III. NEGLIGENCE (Max 30 pts.)

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO--NO NEGLIGENCE; or, was this a failure of a permittee to prevent the occurrence of a violation due to indifference lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO--GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence	0
Negligence	1-15
Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE --- Negligence

ASSIGN NEGLIGENCE POINTS 5

PROVIDE AN EXPLANATION OF POINTS:

***** According to the information in the inspector statement, the violation was the result of indifference to DOGM regulations. The Operator did not exercise reasonable care to handle the non-coal waste. Points are assigned in the lower end of the ordinary negligence range.**

IV. GOOD FAITH (Max 20 pts.)

(Either A or B)

(Does not apply to violations requiring no abatement measures)

- A. Did the operator have onsite, the resources necessary to achieve compliance of the violated standard within the permit area?
IF SO--EASY ABATEMENT

Easy Abatement Situation

X	Immediate Compliance	-11 to -20*
	(Immediately following the issuance of the NOV)	
X	Rapid Compliance	-1 to -10
	(Permittee used diligence to abate the violation)	
X	Normal Compliance	0
	(Operator complied within the abatement period required)	
	(Operator complied with condition and/or terms of approved Mining and Reclamation Plan)	

*Assign in upper of lower half of range depending on abatement occurring the 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance, or does the situation require the submission of plans prior to physical activity to achieve compliance?

IF SO--DIFFICULT ABATEMENT

Difficult Abatement Situation

- | | | |
|---|---|-------------|
| X | Rapid Compliance | -11 to -20* |
| | (Permittee used diligence to abate the violation) | |
| X | Normal Compliance | -1 to -10* |
| | (Operator complied within the abatement period required) | |
| X | Extended Compliance | 0 |
| | (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard of the plan submitted for abatement was incomplete) | |
| | (Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan) | |

EASY OR DIFFICULT ABATEMENT? _____

ASSIGN GOOD FAITH POINTS _____

PROVIDE AN EXPLANATION OF POINTS:

******Good faith will be evaluated upon termination of the violation***

V. ASSESSMENT SUMMARY

NOTICE OF VIOLATION # **N 19152**

I.	TOTAL HISTORY POINTS	_____
II.	TOTAL SERIOUSNESS POINTS	<u>5</u>
III.	TOTAL NEGLIGENCE POINTS	<u>5</u>
IV.	TOTAL GOOD FAITH POINTS	<u>to be determined later.</u>
	TOTAL ASSESSED POINTS	<u>10</u>
TOTAL ASSESSED FINE		<u>\$ 220</u>



Citation for Non-Compliance Utah Coal Regulatory Program

1594 West North Temple, Salt Lake City, UT 84114

Phone: (801) 538-5340 Fax: (801) 359-3940

Citation #: 19152

Permit Number: C0150025

Date Issued: 06/18/2015



NOTICE OF VIOLATION



CESSATION ORDER (CO)



FAILURE TO ABATE CO

Permittee Name: CASTLE VALLEY MINING LLC

Inspector Number and ID: 1 JHELFRIC

Mine Name: BEAR CANYON MINE

Date and Time of Inspection: 05/13/2015

Certified Return Receipt Number: 70123460000295596472.

Date and Time of Service: 06/18/2015

Nature of condition, practice, or violation:

The permittee has not placed and stored non-coal waste in a controlled manner in a designated portion of the permit area.

Provisions of Act, regulations, or permit violated:

R645-301-528.331

**This order requires Cessation of ALL mining activities.** (Check box if appropriate.)

Condition, practice, or violation is creating an imminent danger to health or safety of the public.



Permittee is/has been conducting mining activities without a Permit.



Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

Permittee has failed to abate Violation(s) included in
☐ Notice of Violation or ☐ Cessation Order within time for abatement originally fixed or subsequently extended.**This order requires Cessation of PORTION(S) of mining activities.**Mining activities to be ceased immediately: ☐ Yes ☒ No

Abatement Times (if applicable).

30 days, no later than Friday, July 17th.

Action(s) required: ☒ Yes ☐ No

Remove the non-coal waste from the following areas: The four sediment ponds (A-D), stream buffer zones, outslope of portal pad

3. Ensure that non-coal waste from any other areas within and adjacent to the disturbed area and out slopes of the access road to the #4 portal is properly stored.

Jaren Jorgensen

(Print) Permittee Representative

JOE HELFRICH

(Print) DOGM Representative

Permittee Representative's Signature - Date

DOGM Representative's Signature - Date

SEE REVERSE SIDE Of This Form For Instructions And Additional Information

Activity outside the approved permit area/ Offsite contributions of additional suspended solids.

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

<u>PROBABILITY</u>	<u>RANGE</u>
None	0
Unlikely	1-9
Likely	10-19
Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS:

******According to the information in the inspector statement, materials from the storage area had spilled into the stream buffer zone. Coal fines and non-coal waste had accumulated in the stream buffer zone. A pump and hose were placed in the stream buffer zone to decant ponds A and B. Additional sediment loading and disruption of vegetation in Bear Creek was apparent.***

3. What is the extent of actual or potential damage? RANGE 0-25

In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 15

PROVIDE AN EXPLANATION OF POINTS:

****** According to the information in the inspector statement, damage occurred as a result of the sediment loading which extended off the disturbed area. The amount of damage was uncertain, but could have been there for a long time had it not been discovered by the inspector. Because the amount of damage is uncertain but actually occurred and extended off the disturbed area points are assigned slightly above the midpoint of the range.***

B. HINDRANCE VIOLATION (Max 25 pts.)

1. Is this a POTENTIAL or ACTUAL hindrance to enforcement? Actual
RANGE 0-25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS NA

PROVIDE AN EXPLANATION OF POINTS:

TOTAL SERIOUSNESS POINTS (A or B) 35

III. NEGLIGENCE (Max 30 pts.)

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO--NO NEGLIGENCE; or, was this a failure of a permittee to prevent the occurrence of a violation due to indifference lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO--GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence	0
Negligence	1-15
Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE---Negligence

ASSIGN NEGLIGENCE POINTS 5

PROVIDE AN EXPLANATION OF POINTS:

***** According to the information in the inspector statement, the violation was the result of indifference to DOGM regulations. The Operator did not exercise reasonable care to ensure that the stream buffer zone was being protected. Points are assigned in the lower end of the ordinary negligence range.**

IV. GOOD FAITH (Max 20 pts.)

(Either A or B)

(Does not apply to violations requiring no abatement measures)

- A. Did the operator have onsite, the resources necessary to achieve compliance of the violated standard within the permit area?

IF SO--EASY ABATEMENT

Easy Abatement Situation

X	Immediate Compliance	-11 to -20*
	(Immediately following the issuance of the NOV)	
X	Rapid Compliance	-1 to -10
	(Permittee used diligence to abate the violation)	
X	Normal Compliance	0

(Operator complied within the abatement period required)
(Operator complied with condition and/or terms of
approved Mining and Reclamation Plan)

*Assign in upper of lower half of range depending on abatement occurring the 1st
or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance, or does
the situation require the submission of plans prior to physical activity to achieve
compliance?

IF SO--DIFFICULT ABATEMENT

Difficult Abatement Situation

X	Rapid Compliance	-11 to -20*
	(Permittee used diligence to abate the violation)	
X	Normal Compliance	-1 to -10*
	(Operator complied within the abatement period required)	
X	Extended Compliance	0
	(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard of the plan submitted for abatement was incomplete) (Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)	

EASY OR DIFFICULT ABATEMENT? _____

ASSIGN GOOD FAITH POINTS _____

PROVIDE AN EXPLANATION OF POINTS:

*****Good faith will be evaluated upon termination of the violation**

V. ASSESSMENT SUMMARY

NOTICE OF VIOLATION # **N 19153**

I.	TOTAL HISTORY POINTS	_____
II.	TOTAL SERIOUSNESS POINTS	<u>35</u>
III.	TOTAL NEGLIGENCE POINTS	<u>5</u>
IV.	TOTAL GOOD FAITH POINTS	<u>to be determined later.</u>
	TOTAL ASSESSED POINTS	<u>40</u>

TOTAL ASSESSED FINE \$ 2200



Citation for Non-Compliance

Utah Coal Regulatory Program

1594 West North Temple, Salt Lake City, UT 84114

Phone: (801) 538-5340 Fax: (801) 359-3940

Citation #: 19153

Permit Number: C0150025

Date Issued: 06/18/2015



NOTICE OF VIOLATION



CESSATION ORDER (CO)



FAILURE TO ABATE CO

Permittee Name: CASTLE VALLEY MINING LLC

Inspector Number and ID: 1 JHELFRIC

Mine Name: BEAR CANYON MINE

Date and Time of Inspection: 05/13/2015

Certified Return Receipt Number: 7012346000029559 64 72

Date and Time of Service: 06/18/2015

Nature of condition, practice, or violation:

Encroachment of the stream buffer zone at the Bear Canyon mine.

Provisions of Act, regulations, or permit violated:

R645-301-731.600



This order requires Cessation of ALL mining activities. (Check box if appropriate.)



Condition, practice, or violation is creating an imminent danger to health or safety of the public.



Permittee is/has been conducting mining activities without a Permit.



Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

Permittee has failed to abate Violation(s) included in
☐ Notice of Violation or ☐ Cessation Order within time for abatement originally fixed or subsequently extended.

This order requires Cessation of PORTION(S) of mining activities.

Mining activities to be ceased immediately: ☐ Yes ☒ No

Abatement Times (if applicable).

30 days, no later than 5:00 PM Friday

July 17th.

Action(s) required: ☒ Yes ☐ No

Remove materials from storage areas that have spilled over into the stream buffer area.

Remove the hoses and or other equipment used to decant pond A to pond B.

Submit plans for an alternative route to decant pond A into pond B.

Submit plans for the clean-up of the coal and or coal fines in the buffer zone.

The plans must be complete and adequate and implemented upon approval.

Jaren Jorgensen

(Print) Permittee Representative

JOE HELFRICH

(Print) DOGM Representative

Permittee Representative's Signature - Date

DOGM Representative's Signature - Date

SEE REVERSE SIDE Of This Form For Instructions And Additional Information

Offsite contributions of additional suspended solids.

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

<u>PROBABILITY</u>	<u>RANGE</u>
None	0
Unlikely	1-9
Likely	10-19
Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS:

******According to the information in the inspector statement, sediment laden run-off by-passed the drainage controls and entered Bear creek. Coal fines from the mine conveyor had entered the undisturbed drainage in the form of a slurry. Additional sediment loading in Bear Creek was apparent.***

3. What is the extent of actual or potential damage? RANGE 0-25

In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 15

PROVIDE AN EXPLANATION OF POINTS:

****** According to the information in the inspector statement, damage occurred as a result of the sediment loading which extended off the disturbed area. The mine conveyor and drainage controls were not adequately maintained. The amount of damage was uncertain, but could have been there for a long time had it not been discovered by the inspector. Because the amount of damage is uncertain but actually occurred and extended off the disturbed area points are assigned slightly above the midpoint of the range.***

B. HINDRANCE VIOLATION (Max 25 pts.)

1. Is this a POTENTIAL or ACTUAL hindrance to enforcement? Actual
RANGE 0-25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS NA

PROVIDE AN EXPLANATION OF POINTS:

TOTAL SERIOUSNESS POINTS (A or B) 35

III. NEGLIGENCE (Max 30 pts.)

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO--NO NEGLIGENCE; or, was this a failure of a permittee to prevent the occurrence of a violation due to indifference lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO--GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence	0
Negligence	1-15
Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE---Negligence

ASSIGN NEGLIGENCE POINTS 5

PROVIDE AN EXPLANATION OF POINTS:

***** According to the information in the inspector statement, the violation was the result of indifference to DOGM regulations. The Operator did not exercise reasonable care to maintain the sediment control structures and conveyor system. Points are assigned in the lower end of the ordinary negligence range.**

IV. GOOD FAITH (Max 20 pts.)

(Either A or B)

(Does not apply to violations requiring no abatement measures)

- A. Did the operator have onsite, the resources necessary to achieve compliance of the violated standard within the permit area?
IF SO--EASY ABATEMENT

Easy Abatement Situation

X	Immediate Compliance (Immediately following the issuance of the NOV)	-11 to -20*
X	Rapid Compliance (Permittee used diligence to abate the violation)	-1 to -10
X	Normal Compliance	0

(Operator complied within the abatement period required)
(Operator complied with condition and/or terms of
approved Mining and Reclamation Plan)

*Assign in upper of lower half of range depending on abatement occurring the 1st
or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance, or does
the situation require the submission of plans prior to physical activity to achieve
compliance?

IF SO--DIFFICULT ABATEMENT

Difficult Abatement Situation

X	Rapid Compliance	-11 to -20*
	(Permittee used diligence to abate the violation)	
X	Normal Compliance	-1 to -10*
	(Operator complied within the abatement period required)	
X	Extended Compliance	0
	(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard of the plan submitted for abatement was incomplete) (Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)	

EASY OR DIFFICULT ABATEMENT? _____

ASSIGN GOOD FAITH POINTS _____

PROVIDE AN EXPLANATION OF POINTS:

*****Good faith will be evaluated upon termination of the violation**

V. ASSESSMENT SUMMARY

NOTICE OF VIOLATION # **N 19154**

I.	TOTAL HISTORY POINTS	_____
II.	TOTAL SERIOUSNESS POINTS	<u>35</u>
III.	TOTAL NEGLIGENCE POINTS	<u>5</u>
IV.	TOTAL GOOD FAITH POINTS	<u>to be determined later.</u>
	TOTAL ASSESSED POINTS	<u>40</u>

TOTAL ASSESSED FINE **\$ 2200**



Citation for Non-Compliance Utah Coal Regulatory Program

1594 West North Temple, Salt Lake City, UT 84114

Phone: (801) 538-5340 Fax: (801) 359-3940

Citation #: 19154

Permit Number: C0150025

Date Issued: 06/18/2015



NOTICE OF VIOLATION



CESSATION ORDER (CO)



FAILURE TO ABATE CO

Permittee Name: CASTLE VALLEY MINING LLC

Inspector Number and ID: 1 JHELFRIC

Mine Name: BEAR CANYON MINE

Date and Time of Inspection: 05/13/2015

Certified Return Receipt Number: 70123460000295596472

Date and Time of Service: 06/18/2015

Nature of condition, practice, or violation:

The permittee has failed to properly maintain support facilities (overland conveyor from the #3 portal), sediment control structures on the #4 portal access road and undisturbed culvert # C7U so as to prevent contributions of additional suspended solids to the undisturbed drainage adjacent to bear creek and Bear creek.

Provisions of Act, regulations, or permit violated:

R645-301-521.170

R645-301-742.200

R645-301-742.423.2

R645-301-742.423.3

**This order requires Cessation of ALL mining activities.** (Check box if appropriate.)

Condition, practice, or violation is creating an imminent danger to health or safety of the public.



Permittee is/has been conducting mining activities without a Permit.



Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

Permittee has failed to abate Violation(s) included in
☐ Notice of Violation or ☐ Cessation Order within time for abatement originally fixed or subsequently extended.**This order requires Cessation of PORTION(S) of mining activities.**Mining activities to be ceased immediately: ☐ Yes ☒ No

Abatement Times (if applicable).

60 days no later than 5:00 PM Monday

August 17th.

Action(s) required: ☒ Yes ☐ No

Repair the overland conveyor cover system and coal slurry leaks in accordance with the approved MRP.

Repair the sediment control structures and eroded embankments on the access road to the #4 portal.

Submit plans for the clean-up of coal and coal fine slurry and sediment in the undisturbed drainage adjacent to Bear creek.

Plans must be complete and adequate and implemented upon approval.

Jaren Jorgensen

(Print) Permittee Representative

JOE HELFRICH

(Print) DOGM Representative

Permittee Representative's Signature - Date

DOGM Representative's Signature - Date

SEE REVERSE SIDE Of This Form For Instructions And Additional Information

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